THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 1160 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the order dated 8.12.2006 passed by the A.P. Administrative Tribunal, Hyderabad in O.A. No. 6876 of 2006.

The respondent herein filed O.A. No. 6876 of 2006 before the Tribunal seeking to declare the action of the petitioners herein in not promoting him as Joint Director of Industries in pursuance of G.O.Ms.No. 209 Industries and Commerce Department dated 29.7.2006 as illegal and arbitrary and to direct the petitioners herein to forthwith issue promotion and posting orders. The Tribunal allowed the said O.A. Aggrieved, the petitioners filed this writ petiton.

Heard the learned Government Pleader for Services I appearing for the petitioners and Sri P.V. Krishnaiah, learned counsel appearing for the respondent and perused the record.

Admittedly, the respondent – applicant is placed at Sl. No. 8 in the list of panel for the years 2005-06 as published in G.O.Ms.No. 209. The case of the petitioners is that there is no vacancy. But, the material available on record discloses that there is one vacancy as one person who was on deputation from the other Department was repatriated and therefore the petitioners cannot contend that there is no vacancy. The said vacancy had arisen on 1.11.2006. The contention of the petitioners that the Tribunal passed orders without giving an opportunity to the petitioners cannot be

accepted for the reason that the order of the Tribunal discloses that counter affidavit had been filed pursuant to the notice issued and the learned Assistant Government Pleader represented the matter. The stand taken by the petitioners is that under Rule 6(b) of the A.P. State and Subordinate Service Rules 1996 the vacancies from 1st September of the year to the 31st August of the succeeding year shall be taken into consideration for filling the post from the panel year. But, the Tribunal rightly clarified that the same cannot be a mandatory rule that vacancies which arise subsequent to the period cannot be filled from the persons in the panel year. Having perused the material available on record and the order passed by the Tribunal, we are convinced that the order passed by the Tribunal is based on just grounds and it needs no interference.

There is no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 25-06-2007.

MVB.